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### REMARKS

Claims 5-7, and 17 have been cancelled to expedite prosecution, and in favor of newly presented claims 22-25.

Claim 8 has been amended to note the specific step of identifying a food product or intermediate in need of reduction of acrylamide levels after heating, and also to specifically provide that the complex is applied to the food product or intermediate. This amendment is believed to place the claim in better form for examination. Antecedent basis for this amendment is found throughout the specification, particularly at paragraphs 0028, 0035, and 0042-0044.

New claims 22-25 are presented to define specific compositions. Antecedent basis for these claims are located at paragraphs 0041 and 0059.

Claims 7, 9 and 15 have been rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the term "partially" is stated to be a relative term. This rejection is respectfully traversed.

It is respectfully submitted that the meaning of the term "partially baked" as used in the presently rejected claims would be readily understood by practitioners in this art as a straightforward identification of various product categories prevalent in this industry. In the context of the present specification and of the art, it is well known that baked food products can be provided in a ready-to-eat form (meaning fully baked), in an unbaked or raw form, or in a form where some initial baking has been performed by the primary manufacturer, but some additional baking is required to render the product suitable for consumption. The term "partially baked" thus is not a relative term, because one can identify whether a product is baked, unbaked, or partially baked. The skilled artisan can readily determine in which category any particular product falls. It is respectfully submitted that this term is not indefinite.

Claims 1, 2, 4-6, 8, 10-14, 16 and 17 have been rejected under 35 USC 103(a) as being unpatentable over Honey (GB 2379152). [It is noted that the outstanding Office Action refers to section numbers in Honey (viz - 0005, etc), though no such numbers appear in the GB document. It has been determined that these numbers

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correspond to text in the US Patent Application Publication 2003/007361 to Smail et. al., which claims priority to Honey. The present discussion will utilize the Honey patent page and line numbers.]

The present invention relates to food product treatment compositions for reducing acrylamide levels in food products, methods for reducing acrylamides in products, and food products and food intermediates having a coating for reducing acrylamides in products. Acrylamides have been classified as a potential carcinogen and neurotoxin that has been recently discovered to exist in varying levels in processed foods. It is therefore desirable to provide food products having reduced levels of acrylamides. It has surprisingly been discovered that by topically applying cyclodextrins to a food product prior to exposure to heat, lowered acrylamide levels are observed in the food products. See paragraph 0019 of the present specification.

Honey discloses an unbaked dough product that comprises a dough mixture with part of the outer surface coated with a pre-glaze composition of a complex sugar. The pre-glaze can be in a granular or powder form, or can be applied in the form of a liquid by spraying. See the Abstract. The pre-glaze is applied to provide a shiny appearance. The sugars used in these compositions are mono- or di- saccharides, or polysaccharides. In the long list of possible sugars, cyclodextrins are listed at page 2, line 18. The only preglaze composition exemplified in the Honey patent comprises 90% polydextrose, less than 2% sorbitol and less than 4% glucose. See page 4, lines 9-10. Thus, the outstanding rejection is appropriately framed as an obviousness rejection, and secondary considerations must be considered when determining patentability of the present claims.

In the present application, the compositions, methods and products as claimed possess properties that lead to an unexpected result that could not have been obtained by the compositions as described in the Honey reference. More specifically, it has been unexpectedly determined that topical application of cyclodextrin compositions to food products, with subsequent exposure to heat, provide an unexpected reduction in acrylamide formation in the food product. In retrospect and by using the teaching provided in the present specification, it can now be realized that the unique doughnut shaped or cyclical structure of cyclodextrins affords the ability to protect certain components present in the food product from adverse reaction during the heating

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process. See paragraph 0007 and 0019 of the present specification. The vast majority of potential compositions of the Honey reference are incapable of providing this protection, because they do not contain a cyclic structure formed from glucose units. As recognized in the Office Action, Honey does not disclose compositions that would be anticipatory of the present claims. Indeed, the composition as exemplified in Honey as noted above is of a very different nature from that of the present claims, because it does not contain a cyclic structure formed from glucose units. One of ordinary skill would have had no motivation to specifically select compositions comprising cyclodextrins as presently claimed in view of the Honey disclosure, and particularly could not have predicted the unexpected benefits afforded from these very specific compositions as claimed.

Claims 2 and 18-21 and 17 have been rejected under 35 USC 103(a) as being unpatentable over Honey and further in view of Smith.

The present claims as rejected are drawn to spray compositions for applying as a coating for reducing acrylamide levels in food products.

As noted above, Honey describes coating compositions comprising sugar to provide a glaze to baked dough compositions. Smith is cited for the purpose of disclosing spray glazed provided in aerosol containers. The compositions of the spray glazes of the Smith disclosure are egg wash substitutes prepared by blending maltodextrin with a plasticizer, a secondary film former, water and preferably a microbial inhibitor. The Smith reference is silent with respect to the use of a cyclodextrin as an ingredient of a coating composition.

It is respectfully submitted that the Smith reference fails to bridge the gap, noted above, between the Honey disclosure and the present claims. Smith provides no motivation, alone or in combination with Honey, to formulate a composition comprising cyclodextrin for topical coating of food products, and one could not have predicted the surprising benefit of reduction of acrylamide by use of a coating composition comprising cyclodextrin as presently claimed.

Claims 7, 9 and 15 have been rejected under 35 USC 103(a) as being unpatentable over Honey and further in view of Baking 911 online publication.

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The present claims as rejected are drawn to food products or methods wherein a coating containing cyclodextrin for reducing acrylamide levels is applied to partially baked food products.

Baking 911 is cited to teach the concept of partially baking food products. This disclosure is limited to partially pre-baking a single crust pie or tart without the filling, brushing with a glaze (wherein the glaze composition is not specified), and reheating to set.

It is respectfully submitted that the Baking 911 reference fails to bridge the gap, noted above, between the Honey disclosure and the present claims. Baking 911 provides no motivation, alone or in combination with Honey, to formulate a composition comprising cyclodextrin for topical coating of food products, and one could not have predicted the surprising benefit of reduction of acrylamide by use of a coating composition comprising cyclodextrin as presently claimed.

It is respectfully submitted that particular claims as presented herein are clearly and unambiguously distinct from the art, and careful and specific examination thereof is respectfully requested.

In particular, the method claims as presented are clearly distinct from the cited prior art. No art of record recognizes the benefit of using cyclodextrin compositions to reduce the amount of acrylamide in the food product. The method claims clearly carry out steps that would not have been contemplated by the practitioner following the teachings of the prior art of record.

Similarly, the composition claims as newly presented identify compositions that would not have been suggested by the prior art of record. Specifically, Honey teaches the use of saturated sugar compositions, preferably where the sugar is dextrose, with some sorbitol and glucose. See page 2, lines 6-25. In contrast, the present composition claims recite alpha cyclodextrose, and additionally a comparatively low concentration of alpha cyclodextrose in the coating composition. These compositions would not have been apparent to the skilled artisan following the Honey teaching.

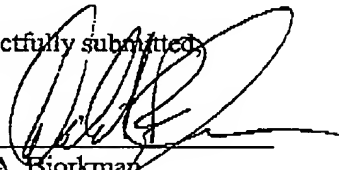
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### CONCLUSION

In view of the amendments and remarks provided herein, Applicants respectfully submit that all of the pending claims are in condition for allowance, and respectfully request notification thereof. In the event that a phone conference between the Examiner and the Applicants' undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact the attorney at (651) 275-9811.

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Respectfully submitted,

By:   
Dale A. Bjorkman  
Reg. No. 33084  
Phone: 651-275-9811  
Fax: 651-351-2954

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